

REMARKS

Claims 2-7, and 9-20 and 34-52 remain pending in this application.

Applicant acknowledges the allowance of claims 12-20, 34-47, and 50-52.

Claims 2-7, 9-11, 48, and 49 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2000-204046 to Ohara in view of U.S. patent application publication no. 2002/0192273 to Buseman. This rejection is respectfully traversed.

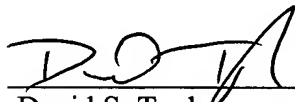
Applicant respectfully submits that Buseman has been successfully antedated by the Rule 131 Declaration submitted herewith. More specifically, Buseman has a filing date of April 10, 2002, and claims priority of a provisional application having a filing date of June 15, 2001.

The Rule 131 Declaration and attachments submitted herewith establish that the present inventor had completed conception and reduction to practice of the invention defined in the rejected claims prior to the June 15, 2001 priority date. See Loghman Declaration, ¶ 3. An embodiment of the inventive formulation had already undergone testing by May 28, 1998. See Loghman Declaration, ¶ 4. Additional embodiments of the invention with varied solvent concentrations and incapacitating ingredients had been tested by October 6, 1999. See Loghman Declaration, ¶ 5.

For these reasons, Buseman is not available as a reference under 35 U.S.C. §§ 102 or 103. Applicant respectfully submits that the Section 103 rejection, which is premised on Buseman being prior art, is misplaced. Applicant respectfully requests withdrawal of the Section 103 rejection and allowance of all claims.

If, after reviewing the above, the Examiner believes any issues remain unresolved, the favor of an Examiner interview is requested and the Examiner is requested to contact the undersigned, by telephone, to schedule the same.

Respectfully submitted,

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